

Roll No.....

**NATIONAL LAW UNIVERSITY, DELHI**

**LL.M. Degree Programme, II-Semester (Batch of 2018)**

**End-Semester Examinations, April - 2019**

**Paper: Constitutional Theory**

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
  2. You may bring in any Hand Written, Photocopied or Printed Material to the Exam.
  3. Please write clear and concise answers. I will be evaluating you on the quality of your arguments, not the length of your answers.
  4. No clarification shall be sought on the question paper.
  5. Do not write anything on the question paper except your roll no.
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**Q1.** (a) What, if anything, is the role of the citizen in constitutional development? **(8 Marks)**

(b) How does this role impact concerns regarding the democratic legitimacy of constitutionalism and judicial review? **(7 Marks)**

**Q2.** If you had the power to do so, what changes, if any, would you bring to the exercise of the PIL jurisdiction by Courts? Why would you make these changes? **(15 Marks)**

**Q3.** Imagine yourself to be a Supreme Court judge sitting on a 15-judge bench constituted to examine the constitutionality of the death penalty.

(a) Would you use the doctrine of proportionality for purposes of rights adjudication? Why or why not? **(10 Marks)**

(b) Respond to only **one** of the two questions below: **(10 Marks)**

Assume that you decide to use the doctrine of proportionality. How would you adjudicate the constitutionality of the death penalty? (You may limit your answer to all the issues relating to the constitutionality of the death penalty as discussed in class).

**OR**

One of the issues before the bench is a reconsideration of the basic structure doctrine as propounded in *Kesavananda Bharati v. State of Kerala*. Would you uphold that decision as it relates to the basic structure doctrine? Why or why not?